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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 387th MEETING

Held at Headquarters, New York,
on Wednesday, 17 April 1991 at 3 p.m.

Chairman:

Mr. KALPAGE

(Sri Lanka)

CONTENTS

Implementation of General Assembly resolution 45/77 (continued)

- (a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77
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The meeting was called to order at 4.05 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

- (a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (A/AC.159/L.61 and A/AC.159/1985/CRP.2) (continued)

Draft provisional rules of procedure of the United Nations Conference on the Indian Ocean

1. The CHAIRMAN invited the Committee to resume discussion of rule 16 of the draft provisional rules of procedure for the Conference on the Indian Ocean, and the proposed amendment thereto found in the Chairman's summation.
2. Mr. JAIN (India) said that his delegation had proposed the amendment to that rule simply to provide a quorum for certain types of decisions.
3. The CHAIRMAN said that the proposed amendment would require that two thirds of the States participating in the Conference be present in order to take decisions on matters of substance; he suggested that the rule should be discussed in connection with rules 31 and 32.
4. Mr. AL-ALFI (Yemen) said that the quorum required for calling a meeting to order and that required for taking decisions should not be confused. The wording of the proposed amendment implied a linkage between the holding of a meeting and the presence of two thirds of the members. The absence of a delegation might be used as an indirect veto in such a case. He saw no difficulty with requiring a two-thirds majority for substantive decisions, but felt it should be included in the section on decision-making.
5. Mr. BANDARA (Sri Lanka) said that there were two issues to be discussed under rule 16: the quorum for holding a meeting and the quorum for decision-making. He proposed that the wording of draft rule 16 should remain as it stood in A/AC.159/L.61 and that the proposal of India be discussed in conjunction with chapter VII on decision-making.
6. Mr. JAIN (India) said that the rationale for the amendment to draft rule 16 had been to make it consistent with rule 108 of the rules of procedure of the General Assembly. The language was identical, except that the size of the quorum had been raised from one quarter to one third of members.
7. The issue of a quorum did have some linkage with decision-making, since any decision taken should have the concurrence of a minimum number of participants. The requirements for decisions on matters of substance were different than for opening of the meeting; decision-making had greater importance than procedural matters. There was some merit in the proposal put forward by the representative of Yemen, and he would be quite willing to go along with it.

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8. The CHAIRMAN said he would take it that there was general agreement that the matter of the quorum for opening a meeting should be considered under "Conduct of business" and that for decision-making should be considered in conjunction with rules 31 and 32. He would further take it that the first paragraph of the agreed text of draft rule 17 would be modified as in the Chairman's summation, and that the second paragraph would remain as in document A/AC.159/L.61. Draft rule 18 would remain as agreed.

9. If he heard no objection, he would take it that the Committee wished to accept the wording of draft rules 1 through 18, as contained in A/AC.159/L.61 and amended in the Chairman's summation, with the exception of draft rules 4, 14 bis and 16.

10. It was so decided.

11. The CHAIRMAN suggested that the agreed text of paragraphs 1 and 2 of draft rule 19 should remain as in document A/AC.159/L.61, and that paragraph 3 should be amended as in the Chairman's summation.

12. Mr. AL ALFI (Yemen) said that the limitations proposed in paragraph 3 seemed unworkable in the context of negotiation, though they were appropriate during general debate. It was unclear how such limitations would be decided. In his view, they should be left to the discretion of the president of the Conference.

13. The CHAIRMAN said that rules 72 and 114 of the rules of procedure of the General Assembly which established limits on the number of times a speaker could take the floor and on the duration of statements, seemed to be relevant, since in general the Ad Hoc Committee was following the procedures adopted by the Assembly. He asked whether the representative of Yemen would be willing to accept paragraph 3 as contained in document A/AC.159/L.61 and as amended in the Chairman's summation.

14. Mr. AL-ALFI (Yemen) said that he could accept the rule as formulated. It seemed, though, that on occasion the Committee was seeking to follow the rules established by the Assembly, while not doing so in other circumstances. The important thing was for the rules to be clear.

15. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee was willing to accept the formulations in respect of draft rules 19 through 30 contained in document A/AC.159/L.61, as amended in his summation.

16. It was so decided.

17. The CHAIRMAN invited the Committee to consider the comments and proposals relating to draft rule 4 contained in his summation.

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18. Mr. JAIN (India) said that it was his understanding that the Committee had already accepted the proposed new paragraph 4 (bis), given which it could conclude its consideration of draft rule 4 as a whole. The proposal to constitute a Credentials Committee of nine members accorded with the practice of the General Assembly, and the only outstanding matter seemed to be the proposal to include the word "generally". That amendment had been proposed by the representative of the German Democratic Republic, which State was, of course, no longer in existence.

19. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee was willing to accept the formulation in respect of draft rule 4 contained in document A/AC.159/L.61, with the addition of a new paragraph 4 (bis), as contained in his summation.

20. It was so decided.

21. The CHAIRMAN said that the Committee thus had agreed texts in respect of draft rules 1 through 30, with the exception of rules 14 (bis) and 16. He invited the Committee to consider draft rules 31 and 32 pertaining to decision-making, and pointed out that the views and proposals on the subject put forward by China, India and Sri Lanka, were contained in document A/AC.159/1985/CRP.2.

22. Mr. MAMOOD (Pakistan) recalled that his delegation had also made proposals in that regard. It had proposed that decisions on matters of substance should be taken by a two-thirds majority, while those on procedural matters and on whether a matter was procedural or substantive should be taken by simple majority. It had further proposed that the draft rules of procedure should include a gentleman's agreement to the effect that every effort should be made to adopt the substantive parts of the report of the Conference by consensus.

23. Mr. JAIN (India) said that there was no real disagreement between the various proposals. The basic concept was that an attempt should be made at the Conference to take all substantive decisions by consensus in order to facilitate their implementation by the countries concerned. No country, however, should have the power of veto, if a consensus could not be reached after a reasonable period of time. At that point, decisions on matters of substance should be taken by two-thirds majority. Decisions on procedural matters and decisions on whether a matter was one of procedure or of substance should be taken by simple majority. All those points were covered in the amendments proposed by India to the draft provisional rules of procedure.

24. Mr. BANDARA (Sri Lanka) said that his delegation would have no difficulty with the amendment proposed by India to draft rule 32, if the amendment proposed by Sri Lanka to draft rule 31 was accepted.

25. Mr. MAMOOD (Pakistan) said that his delegation could support draft rules 31 and 32 as contained in document A/AC.159/L.61.

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26. Mrs. MULAMULA (Tanzania) said that it would make more sense to combine draft rules 31 and 32 and to delete the phrase in square brackets in paragraph 1 of draft rule 32. Her delegation also favoured including the gentleman's agreement on the adoption of the report of the Conference in the report of the Ad Hoc Committee, rather than in the rules of procedure.

27. Mr. JAIN (India) supported the proposal to combine draft rules 31 and 32. As he had pointed out earlier, the amendments proposed by India were in keeping with the sense and spirit of the views expressed by a number of delegations. In the absence of a consensus, the adoption of decisions by a two-thirds majority of the representatives present and voting was necessary because such decisions should be based on the broad support of the delegations participating. With regard to the report of the Conference, those parts dealing with the organizational aspects and the general debate should be adopted by consensus, since they would not entail decisions on matters of substance.

28. His delegation proposed a new draft rule 31 consisting of seven paragraphs: paragraph 1 would be the current text of draft rule 31; paragraph 2 would be the current text of paragraph 1 of draft rule 32 without the square brackets; paragraphs 3 and 4 would be the two new paragraphs proposed by India for draft rule 32 on page 4 of document A/AC.159/1985/CRP.2; paragraphs 5 and 6 would be the current text of paragraphs 2 and 3 of draft rule 32; and paragraph 7 would consist of the second sentence in draft rule 16 with the amendment proposed by his delegation in that regard.

29. Mr. BANDARA (Sri Lanka) said that, after listening to the representatives of Tanzania and India, he would not insist on his delegation's proposed amendment to draft rule 31 and would have no difficulty in combining draft rules 31 and 32. He would, however, appreciate more time in order to consider the new formulation of draft rule 31 as proposed by the representative of India.

30. Mr. SHA Zukang (China) said that he fully agreed with the statement made by the representative of Tanzania and the proposal to combine draft rules 31 and 32, and he supported the current wording of draft rule 31. With regard to new paragraph 2 of draft rule 32 as proposed by India, he felt that the length of the "cooling-off period" should be given further consideration. The maximum length of 72 hours seemed excessive.

31. Mrs. MULAMULA (Tanzania) said that she would like to have more time to consider the new text of draft rule 31 proposed by India. Her delegation did not feel that there was any need to retain the words in square brackets in paragraph 1 of the current text of draft rule 32. It was essential to ensure that decision-making was based on a two-thirds majority of the representatives present and voting. The quorum, on the other hand, could be based on a majority of the State's participating in the Conference.

32. Mr. CURE (Mauritius) said that his delegation assumed that the phrase "a majority of the States participating in the Conference" in the amendment to paragraph 1 of draft rule 32 proposed by India was a simple majority. Further consideration should be given to the implications of adopting the report of the Conference on the basis of consensus. A consensus might not be achieved if a vote had been taken earlier on some question and certain delegations did not wish to see their vote reflected in the report. Lastly, new paragraph 3 of draft rule 32 proposed by India referred to "the determination that all efforts at reaching agreement by consensus have been exhausted". The process for making that determination should be more clearly defined.

33. Mr. JAIN (India) suggested that the Secretariat should provide the Committee with the text of the new formulation of draft rule 31 proposed by his delegation in order to facilitate its work.

The meeting rose at 6.05 p.m.